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Letter dated 22 May 2003 from the Secretary-General to the President of the Economic and Social Council

Further to my letters to you of 15 December 1999 (E/1999/124) and 26 April 2002 (E/2002/51), I have the honour to inform you and the members of the Economic and Social Council that I remain concerned that the Organization has not been reimbursed for Dato' Param Cumaraswamy's legal expenses in accordance with the advisory opinion of the International Court of Justice of 29 April 1999.

It should be recalled that, in commenting on the obligations of Malaysia in its advisory opinion, the International Court of Justice had, inter alia, found that Dato' Param Cumaraswamy must be held financially harmless from any costs imposed by the Malaysian courts, in particular, taxed costs. It is the considered view of the United Nations that the costs imposed by the Malaysian courts, within the meaning of the advisory opinion, include all legal expenses imposed on Dato' Param Cumaraswamy by virtue of the court orders and proceedings in the Malaysian courts. Thus, in accordance with the advisory opinion of the International Court of Justice, Dato' Param Cumaraswamy's legal expenses are ultimately the responsibility of the Government of Malaysia.

The United Nations therefore maintains, in order to fulfil its obligations to hold Dato' Param Cumaraswamy financially harmless, that the Government of Malaysia should reimburse the Organization in the amount of US$ 118,145.91 for the legal expenses it paid on behalf of Dato' Param Cumaraswamy in connection with the four lawsuits.

(*Signed*) Kofi A. **Annan**

* E/2003/1.

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